

**Enrolled Minutes of the Tenth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, April 25, 2016**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, April 25, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council and Councilor Herak discussed an Allied trash collecting truck leaking from the garbage container during a recent weekly collection. Councilor Herak expressed concern about the episode and whether the staff responses to it were sufficient.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 25, 2016 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper. Councilor Steven Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; Peter T. Hojnicky, Metropolitan Police Chief; John M. Bach, Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Kenneth J. Mika, Building Commissioner; and Cecile Petro, Redevelopment Director were present.

Also present: Susan Murovic, Advisory Board of Zoning Appeals; and Ed Dabrowski IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 11 April 2016 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2016 Budget for the Metropolitan Police Department of the Corporation General Fund in the amount of \$300.
 - (a) Attorney verification of Proofs of Publication: The TIMES 02 April 2016. The Town Attorney verified that the proof of publication was in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2016-16:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Metropolitan Police Department of the Corporation General Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Appropriation Enactment No. 2016-16 and moved its consideration at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor moved the passage and adoption of Appropriation Enactment No. 2016-16 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
 APPROPRIATION ENACTMENT
 Enactment No. 2016-16**

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Metropolitan Police Department of Corporation General Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Metropolitan Police Department of Corporation General Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Metropolitan Police Department of Corporation General Fund** and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase		
Acct. 001-0009-23004 Other Supplies:		\$ 300.00
	<i>Total Series:</i>	\$ 300.00
	Total for Department:	\$ 300.00
	Fund Total:	\$ 300.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 25th Day of April 2016. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 25th Day of April 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)**

- 2. Public Hearing:** Proposed Additional Appropriations in Excess of the 2016 Budget for the Public Safety Income Tax Fund in the amount of \$42,475.00.
 - (a) **Attorney verification of Proofs of Publication:** The TIMES 02 April 2016. The Town Attorney verified that the proof of publication was in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The hearing was closed.
 - (c) **Action on Appropriation Enactment No. 2016-17:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Public Safety Income Tax Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced Appropriation Enactment No. 2016-17 and moved its consideration at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor moved the passage and adoption of Appropriation Enactment No. 2016-17 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2016-17**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PUBLIC SAFETY INCOME TAX FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Public Safety Income Tax Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Public Safety Income Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PUBLIC SAFETY INCOME TAX FUND

Acct. No. 249-0000-38000 Capital Lease Communications:	\$ 37,675.00
<i>Total Series:</i>	\$ 37,675.00
Acct. No. 249-0000-3XXX Police Station Services:	\$ 4,800.00
<i>Total Series:</i>	\$ 4,800.00
Fund Total:	\$ 42,475.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 25th Day of April 2016. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 25th Day of April 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. **Public Hearing:** Considering the matter of the proposed establishment of a General Improvement District to be associated with a project to improve the 3400 Block of Condit Street to be known as the Condit Street Reconstruction Project II, financing the cost of these improvements through the Municipal General Improvement Fund.
(Works Board Order No. 2016-10 was passed and adopted at the Town Council meeting of March 28, 2016 giving approval to the project and the General Improvement District, subject to this public hearing).
 - (a) Verification of Proofs of Publication. (IC 5-3-1; 36-9-17) The TIMES: 15 April 2016. The Town Attorney verified that the proof is in compliance with IC 5-3-1.
 - (b) **Public Hearing on Issue:** Whether the benefits that will accrue to the property liable to be assessed for the improvement will equal the maximum estimated cost of the improvement. The Town Council President called the public hearing to order. There were no comments or questions. The hearing was closed.
 - (c) Consideration of Works Board Order No. 2016-12. Councilor Herak, seconded by Councilor Vassar, moved the passage and adoption of Works Board Order No. 2016-12. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

AN ORDER CONFIRMING WORKS BOARD ORDER NO. 2016-10 ENTITLED "PRELIMINARY ORDER FOR THE 3400 CONDIT STREET RECONSTRUCTION PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS"

Whereas, On March 28, 2016 the Town Council of the Town of Highland, Indiana adopted Works Board Order No. 2016-10 entitled "*Preliminary Order for 3400 Block of Condit Street Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements*", a copy of which is attached hereto and incorporated herein; and

Whereas, The Town Council has held a Public Hearing at 7:00 pm on Monday, **April 25, 2016** after publication and mailing of notice as required by law, and has heard all interested persons regarding Works Board Order No. 2016-10; and

Whereas, The Town Council now desires to confirm Works Board Order No. 2016-10;

Now Therefore, be it hereby ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the works board as follows:

Section 1. That the Town Council hereby determines that the benefits that will accrue to the property liable to be assessed for the improvements (as defined in Works Board Order No. 2016-10) will be in excess of the maximum estimated cost of the improvement;

Section 2. That the Town Council hereby confirms Works Board Order No. 2016-10;

Section 3. That the Town Council hereby orders that the improvements be completed and hereby determines to levy special assessments against the owners of property to be benefited by the improvements in a total amount not to exceed the estimate of maximum cost for the Improvements, which assessments are to be levied upon completion of the Improvements and determined in accordance with the provisions of I.C. 36-9-36;

Section 4. That in order to distinguish the 3330 block project from the 3400-block project, this project is hereby re-designated the **Condit Street Reconstruction Project II**.

Be it So Ordered.

Duly adopted and Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana, this 25th day of April 2016 by a vote of 4 in favor and 0 opposed.

HIGHLAND, INDIANA

TOWN COUNCIL OF THE TOWN OF

Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

EXHIBIT

TOWN OF HIGHLAND
ORDER OF THE WORKS BOARD NO. 2016 - 10

A PRELIMINARY ORDER FOR THE 3400 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS

Whereas, Pursuant to IC 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

Whereas, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

Whereas, several residents of the 3400 block of Condit Street have requested consideration of the Town of Highland to install concrete curbs and public sidewalks; and

Whereas, The cost for curb and sidewalk shall be paid for by the adjoining property owners based upon front footage of their property through a special assessment pursuant to the Special General Improvement District statute; and,

Whereas, The Town Council desires to proceed with the **Condit Street Reconstruction Project** and to finance the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund; and

Whereas, The Town has retained Garcia Consulting to prepare plans and specifications for the **3400 Block of Condit Street Reconstruction Project**; and

Whereas, The Town desires to finance the costs of the improvements pursuant to assessments to be collected from the property owners benefited by the respective proposed improvements as set forth in IC 36-9-36,

Now Therefore, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby makes a preliminary determination to proceed with the **3400 Block of Condit Street Reconstruction Project** and to finance the cost of the improvements

through the Municipal General Improvement Fund and the collection of special assessments from property owners benefited by the respective improvements pursuant to IC 36-5-36;

Section 2. That the Town Council hereby adopts the plans and specifications for the projects and directs the Project Engineer to place on file cross-sections, general plans and specifications for each of the improvements;

Section 3. That the Town Council hereby adopts the estimate of the maximum cost of each of the improvements attached hereto as Exhibit A and directs the Clerk Treasurer to place such estimate of maximum costs on file in the office of the Town Council;

Section 4. That the Town Council hereby determines to hold a public hearing regarding each of the improvements and whether the benefits that will accrue to the property liable to be assessed for the respective improvements will equal the maximum estimated cost of each of the improvements, which public hearing will be held at the regular meeting place of the Town Council at 7:00 P.M. on April 11, 2016, and the Town Council further directs the Clerk Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the respective improvements.

Be it So Ordered.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board this 28th day of March, 2016 by a vote of 3 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA

Bernie Zemen, President

Attest:

Michael W. Griffin
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer



- 4. Public Hearing: Consideration of Introduced Ordinance No. 1614: An Ordinance Amending the Highland Municipal Code and Re-Establishing the Municipal Cumulative Capital Development Fund. This ordinance would authorize use of funds deposited to the Municipal Cumulative Capital Development Fund as authorized by changes to the enabling state statutes.** The maximum rate of property tax levy may

not exceed 0.500 for 2016 Pay 2017 and thereafter. In subsequent years, the rate may be the maximum rate authorized by the enabling state statute or a lower rate as determined by the Department of Local Government Finance or the Town Council. *At the meeting of March 28, 2016, Councilor Herak introduced and filed the ordinance. There was no further consideration based upon the need to conduct the public hearing now scheduled.*

- (a) *Opening the Public Hearing.* (POST-TRIBUNE 04-12-2016 and 04-20-2016; The TIMES 04-12-2016 & 04-20-2016) The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1.

The Town Council President called the public hearing to order. There were no comments or remonstrances. The hearing was closed.

- (b) **Action on introduced Ordinance No. 1614.** Councilor Herak moved the passage and adoption of Ordinance No. 1614. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted subject to the post adoption process and a renewing order from the Indiana Department of Local Government Finance.

ORDINANCE NO. 1614
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO AMEND THE HIGHLAND MUNICIPAL CODE BY REPEALING THE SUBCHAPTER ESTABLISHING THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND, AND AMENDING BY RE-ESTABLISHING THE SUBCHAPTER, WITH THE SAME SECTIONS in the HIGHLAND MUNICIPAL CODE, ALL PURSUANT TO IC 36-1-3, IC 36-5-2, IC 36-9-15.5 AND IC 6-1.1-41 ET SEQ.

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-9-15.5 authorizes municipalities to establish a cumulative capital development fund, its sources of revenue and its purposes; and,

WHEREAS, IC 36-9-15.5 also authorizes municipalities to re-establish a cumulative capital development fund, should a municipal legislative body determine that such an action is desirable;

WHEREAS, The Town Council of Highland, did pass and adopt Ordinance No. 1493, pursuant to the proper procedures, and;

WHEREAS, IC 36-5-2-9 Provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has determined that it would be desirable to re-establish its existing municipal cumulative capital development fund particularly to be sure to allow the fund to be used for all the lawful purposes set forth in IC 36-9-15.5; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to re-establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by repealing Sections 3.45.130 to 3.45.170 and subchapter Article II. Capital Funds in their entirety;

Section 2. That the Highland Municipal Code be amended by adding a new subchapter to be numbered Sections 3.45.130 to 3.45.170 and to be titled Article II. Municipal Cumulative Capital Development Fund, which shall read as follows:

Article II. Municipal Cumulative Capital Development Fund

3.45.130 MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND ESTABLISHED AND TAX RATE FIXED

- (A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the **Municipal Cumulative Capital Development Fund**, pursuant to IC 36-9-15.5 et seq.;
- (B) That the fund is dedicated and established to provide resources for the purposes permitted by IC 36-9-15.5 as may be amended from time to time and as set forth in this code;
- (C) That an *ad valorem* property tax levy will be imposed and the revenues from the levy will be retained and deposited in the Town of Highland Cumulative Capital Development Fund.
- (D) That as this municipality is in a county with an adopted county option income tax, the maximum rate of the levy herein described will not exceed **.0500 per \$100 Assessed Valuation for 2016 pay 2017** and will remain in effect each year thereafter until such time as the fund may be rescinded or the rate reduced by action of the Town Council.
- (E) That the Town of Highland Municipal Cumulative Capital Development Fund is established until such time as the fund is repealed or rescinded by action of the legislative body;

3.45.140 PURPOSES, USES and PERMISSIBLE EXPENDITURES FROM THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

- (A) That expenditures from this fund shall for the purposes, uses and in support of the purposes or uses permissible for the funds as described and set forth in this code as may be amended from time to time;
- (B) That any and all of the lawful public purposes and or uses associated with the funds authorized and described in the following provisions of the Indiana Code are hereby authorized and adopted as permissible purposes of this **Municipal Cumulative Capital Development Fund**:
 - (1) For capital improvements, uses and purposes as described in **IC 8-16-3** as amended from time to time;
 - (2) For capital improvements, uses and purposes as described in **IC 8-22-3-25** as amended from time to time;
 - (3) For capital improvements, uses and purposes as described in **IC 14-27-6-48** as amended from time to time;
 - (4) For capital improvements, uses and purposes as described in **IC 14-33-14** as amended from time to time;
 - (5) For capital improvements, uses and purposes as described in **IC 16-23-1-40** as amended from time to time;
 - (6) For capital improvements, public safety equipment acquisition, uses and purposes as described in **IC 36-8-14** as amended from time to time;
 - (7) For capital improvements, transportation planning, vehicle/ equipment acquisition, uses and purposes as described in **IC 36-9-4-48**, as amended from time to time;
 - (8) For capital improvements, land and public building acquisition, public way maintenance and improvements, other lawful governmental purposes and all uses and purposes as described in **IC 36-9-16-2** as amended from time to time;
 - (9) For capital improvements, computer soft/hardware expenses, communications expenses, other lawful governmental purposes, as described in **IC 36-9-16-3** as amended from time to time;
 - (10) For improvements of public ways and sidewalks, uses and purposes as described in **IC 36-9-16.5-2** as amended from time to time;
 - (11) For improvements of public ways, sidewalks, gutters, sewers, uses and purposes as described in **IC 36-9-17** as amended from time to time;

- (12) For improvements of sewage disposal or treatment plants, sewers, uses and purposes as described in **IC 36-9-26** as amended from time to time;
- (13) For capital improvements related to drainage, sewers, uses and purposes as described in **IC 36-9-27-100** as amended from time to time;
- (14) For capital improvements to parks, uses and purposes as described in **IC 36-10-3-21**, as amended from time to time;
- (15) For capital improvements to parks, uses and purposes as described in **IC 36-10-4-36** as amended from time to time;

(C) That money held in the cumulative capital development fund may be spent for purposes other than the purposes stated in subsections (A) and (B) of this code, if the purpose is to protect the public health, welfare, or safety in an *emergency situation* that demands immediate action or to make a contribution to an authority established under IC 36-7-23.

(1) Money may be spent under the authority of subsection (C) only after the executive of the municipality issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund; *or*

(2) Money may be spent under the authority of subsection (C) after the executive of the municipality certifies in the minutes of the municipal legislative body that the contribution is made to the authority for capital development purposes.

3.45.150 EXPENDITURE UPON APPROPRIATION

That expenditures from the fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4;

3.45.160 INVESTMENTS AUTHORIZED

That pursuant to Indiana Code 5-13-9, and Chapter 3.40 of the Highland Municipal Code, moneys in the fund may be invested provided that the yields from the purchase and sale of any such investments be deposited to the credit of the fund;

3.45.170 PRESERVATION and DISPOSITION OF FUND ASSETS

That all unused and unencumbered cash on deposit to the credit of the Municipal Cumulative Capital Development Fund do not revert to the corporation general fund nor to any other fund but shall remain with the Municipal Cumulative Capital Development Fund until such time as an ordinance is passed which rescinds the tax levy for this fund, and the Town Council authorizes a transfer of any remaining unexpended, unencumbered assets of the fund, all pursuant to IC 6-1.1-41-5 and IC 36-1-8-5.

Section 3. That the fund established by this ordinance does not take effect nor may this ordinance be adopted until a public hearing has been conducted pursuant to IC 36-9-15.5 and IC 6-1.1-41-3 and then approved by the Indiana Department of Local Government Finance;

Section 4. Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and of no further force nor effect;

Section 5. That the repeal of the code sections described in Section 1 of this ordinance shall not go into effect until the successor provisions are adopted and made effective by the proper order of the Department of Local Government Finance, and should no order ensue, the current provisions of the existing municipal code related to the municipal cumulative capital development fund shall remain in full force and effect;

Section 6. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and upon its approval by the Indiana Department of Local Government Finance, provided it has been duly adopted and filed before August 1, 2016 and the post adoption procedures for the establishment or re-establishment of this fund are properly observed.

Introduced and Filed on the 28th Day of March 2016. Consideration on same day or at same meeting of introduction was not considered under IC 36-5-2-9.8, as the matter was set for a public hearing **on April 25, 2016** all pursuant to IC 36-9-15.5, IC 6-1.1-41 and IC 5-3-1-2(f).

DULY ORDAINED AND ADOPTED this 25th Day of April 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1615:** An Ordinance To Amend The Compensation, Benefits And Personnel Program Of The Municipality, To Be Known As The Compensation And Benefits Ordinance Commonly Known as the Employees Handbook, to Make Certain Modifications to Comply with Affordable Care and Patient Protection Act, Pursuant To IC 36-1-3 And Other Relevant Statutes. (*Recommend introduction only.*)

Councilor Herak introduced and filed the proposed Ordinance No. 1615. There was no further action in order to permit greater review of the provisions in the ordinance.

2. **Proposed Ordinance No. 1616:** An Ordinance To Amend Section 5.20.060 of the Highland Municipal Code Regarding Assistant Inspector for Ordinance Enforcement All Pursuant To IC 36-1-5 et Seq.

Councilor Herak introduced and moved the consideration of Ordinance No. 1616 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1616 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of introduction.

**ORDINANCE No. 1616
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE To AMEND SECTION 5.20.060 OF THE HIGHLAND MUNICIPAL CODE REGARDING ASSISTANT INSPECTOR FOR ORDINANCE ENFORCEMENT ALL PURSUANT TO IC 36-1-5 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit **shall** codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications desirable to further improve and perfect the Code; and

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt a technical and substantive modification to Section 5.20.060 in order to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 5.20.060 subdivision (B) of the Highland Municipal Code be hereby repealed in its entirety and amended by a successor subdivision, which shall be identified and read as follows:

5.20.060 Enforcement officer.

~~(B) Oath and Bond. The assistant ordinance inspector shall be a resident of the town.~~ (1) Before any such ordinance inspector shall enter upon his/her duties, he or she shall be required to take and subscribe an oath of office and shall file an individual bond in the minimum amount established by IC 5-4-1-18(e)(2), conditioned upon the faithful performance of his or her duties with such premium on said bond to be paid by the town.

(2) Said bond may be executed with any recognized surety company authorized to do business in the state. The bond, as well as his the oath, shall be filed in the office of the clerk-treasurer and in the manner prescribed by IC 5-4-1-5.1.

(3) It is highly preferred but not required that the assistant ordinance inspector shall be a resident of the town.

Section 2. That this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 25th day of April 2016. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 25th Day of April 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

3. Proposed Ordinance No. 1617: An Ordinance To Amend Chapter 3.10 of the Code Of Ordinances For The Town Of Highland, State Of Indiana, All Pursuant To IC 36-1-5 et Seq.

Councilor Herak introduced and moved the consideration of Ordinance No. 1617 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption of Ordinance No. 1617 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of introduction.

**ORDINANCE No. 1617
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE To AMEND CHAPTER 3.10 OF THE CODE OF ORDINANCES For The TOWN Of HIGHLAND, STATE Of INDIANA, ALL PURSUANT TO IC 36-1-5 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code; and

Whereas, The Town Council is reliably advised that Chapter 3.10 of the Municipal Code Styled as Accounts Payable Payments in Advance of Formal Allowance, is in need of some changes to reflect emerging

needs encountered since its initial adoption and to make other changes to allow for certain administrative efficiencies;

WHEREAS, The Town Council, is persuaded that it is necessary and desirable to adopt the several modifications to Chapter 3.10 to still further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 3.10.010 (A)(12) of the Highland Municipal Code be hereby amended to include a new subdivisions, to be styled Section 3.10.010 (A)(12)(n) & (o) which shall read as follows:

3.10.010 Authorized payments by the Town Clerk-Treasurer.

(A) Authorized Expenses. The Town Council approves and authorizes payments to be made by the Clerk-Treasurer in advance of formal allowance by the Town Council or other board or commission of jurisdiction for the following types of expenses:

(12) The following additional expenses outlined in this section:

(n) Charges or fees for services provided by an authorized public depository employed by the municipality;

(o) Registration fees for conferences, workshops or training conducted by associations organized to support municipal government or entities engaged in training or providing workshops relevant to public administration generally or particularly in the functional areas of the local government.

Section 2. That this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 25th day of April 2016. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 25th Day of April 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

- 4. Works Board Order No. 2016-14:** A Joint Enacting Instrument of the Highland Works Board, Highland Sanitary Board of Commissioners, and Highland Water Works Board of Directors Accepting the Bid of Truck City of Gary, Inc. for Four (4) 2017 Freightliner 108SD Single Axle Dump Trucks with Snow Removal Equipment in the Total Amount of \$633,096.00 (\$158,274.00 per Unit) less Trade-in Equipment in the Total Amount of \$30,966.00 for a Net Purchase Amount of Six Hundred Two Thousand, One Hundred Thirty Dollars and No Cents (\$602,130.00), as the Lowest Responsive and Responsible Bid.

Councilor Herak moved the passage and adoption of Works Board Order No. 2016-14. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Order of the Works Board 2016-14
Waterworks Board Resolution No. 2016-03
Board of Sanitary Commissioners Resolution No. 2016-05**

A JOINT ENACTING INSTRUMENT OF THE HIGHLAND WORKS BOARD, HIGHLAND SANITARY BOARD OF COMMISSIONERS, AND HIGHLAND WATER WORKS BOARD OF DIRECTORS ACCEPTING THE BID OF TRUCK CITY OF GARY, INC. FOR FOUR (4) 2017 FREIGHTLINER 108SD SINGLE AXLE DUMP TRUCKS WITH SNOW REMOVAL

EQUIPMENT IN THE TOTAL AMOUNT OF \$633,096.00 (\$158,274.00 PER UNIT) LESS TRADE-IN EQUIPMENT IN THE TOTAL AMOUNT OF \$30,966.00 FOR A NET PURCHASE AMOUNT OF SIX HUNDRED TWO THOUSAND, ONE HUNDRED THIRTY DOLLARS AND NO CENTS (\$602,130.00), AS THE LOWEST RESPONSIVE AND RESPONSIBLE BID

Whereas, The Town of Highland, Department of Public Works, has determined a need to replace three (3) Single-Axle Dump Trucks and one (1) Tandem Axle Dump Trucks that have reached their cost effective life expectancy; and

Whereas, the Public Works Director, pursuant to §3.05.050(D) of the HMC, serves as the Purchasing Agent for the Public Works Department, Highland Sanitary District and Highland Water Works District; and

Whereas, the Purchasing Agent, pursuant to §3.05.060(H) of the HMC, expected that the purchase would be more than \$175,000 and invited bids in accordance with §3.05.060(H) of the HMC; and

Whereas, at 10:00 a.m. on March 18, 2016, the following bids had been received:

Pozzo Truck Center- Mack Trucks				
	Base Price	Trade	Trade Value	Net Bid
#1	\$167,143.00	1HTGCAAT4WH583139	\$1,000.00	\$166,143.00
#2	\$167,143.00	1HTGBAARXXH583140	\$7,000.00	\$160,143.00
#3	\$167,143.00	1HTGBAAR1XH583141	\$7,000.00	\$160,143.00
#4	\$167,143.00	1HTSDAAN81H382605	\$15,000.00	\$152,143.00
				\$638,572.00

Great Lakes Peterbilt- Peterbilt Trucks				
	Base Price	Trade	Trade Value	Net Bid
#1	\$178,000.00	1HTGCAAT4WH583139	\$7,500.00	\$170,500.00
#2	\$178,000.00	1HTGBAARXXH583140	\$6,500.00	\$171,500.00
#3	\$178,000.00	1HTGBAAR1XH583141	\$6,500.00	\$171,500.00
#4	\$178,000.00	1HTSDAAN81H382605	\$9,500.00	\$168,500.00
				\$682,000.00

Truck City of Gary, Inc. - Freightliner Trucks				
	Base Price	Trade	Trade Value	Net Bid
#1	\$158,274.00	1HTGCAAT4WH583139	\$4,200.00	\$154,074.00
#2	\$158,274.00	1HTGBAARXXH583140	\$5,883.00	\$152,391.00
#3	\$158,274.00	1HTGBAAR1XH583141	\$5,883.00	\$152,391.00
#4	\$158,274.00	1HTSDAAN81H382605	\$15,000.00	\$143,274.00
				\$602,130.00

Rush Truck Center- International Trucks				
	Base Price	Trade	Trade Value	Net Bid
#1	\$159,639.00	1HTGCAAT4WH583139	\$5,500.00	\$154,139.00
#2	\$159,639.00	1HTGBAARXXH583140	\$4,000.00	\$155,639.00
#3	\$159,639.00	1HTGBAAR1XH583141	\$4,000.00	\$155,639.00
#4	\$159,639.00	1HTSDAAN81H382605	\$6,000.00	\$153,639.00

				\$619,056.00
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; and

Whereas, The equipment will be used to support the missions of the Public Works Department, which in include the Street Department, Sanitary District (Solid Waste and Wastewater), and Waterworks District operations, and

Whereas, It is prudent and in the best interest of the Highland Works Board, Highland Sanitary Board of Commissioners, and Highland Water Works Board of Directors to support and share the purchase of the equipment, in equal amounts, and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §3.05.030(A) of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, The Board of Sanitary Commissioners, pursuant to §3.05.030(E) of the HMC serves as purchasing agency for the Public Sanitation Department; and

Whereas, The Board of Waterworks Directors, pursuant to §3.05.030(D) of the HMC serves as purchasing agency for the Highland Waterworks; and

Whereas, The purchase price exceeds \$15,000.00 and, pursuant to §3.05.050(B) of the HMC requires the express approval of the purchasing agencies; and

Whereas, It has been determined that some or all of the units to be purchased shall be financed through a Lease Purchase Agreement, executed between the respective agencies and a public finance company not yet selected, pending the award of said vehicles and the determination of an expected delivery date; and

Whereas, The Town Council, acting as the Works Board for the Town of Highland, the Board of Sanitary Commissioners, and the Highland Waterworks Board of Directors now desire to approve and authorize the Public Works Director to complete the purchase pursuant to the terms stated herein,

Now Therefore Be it Hereby,

Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana; and

Resolved by the Board of Waterworks Directors of the Town of Highland, Lake County, Indiana; and

Resolved by the Board of Sanitary Commissioners of the Town of Highland, Lake County, Indiana;

Section 1. That the bid of **Truck City of Gary, Inc.** in the gross amount of **Six Hundred Thirty-three Thousand Ninety-six Dollars and No Cents (\$633,096.00)**, less the trade-in four (4) units currently in the Public Works Department fleet, identified herein, with a total trade-in value of **Thirty Thousand Nine Hundred Sixty-six Dollars and No Cents (\$30,966)**, for a net purchase amount of **Six Hundred Two Thousand, One Hundred Thirty Dollars and no cents (\$602,130.00)** for the purchase of Four (4) 2017 Freightliner 108SD Single Axle Dump Trucks with Snow Removal Equipment is hereby accepted as the lowest responsive and responsible bid;

Section 2. That the purchase shall be funded in appropriate shares by the Highland Board of Works through the Motor Vehicle Highway fund (2), Highland Sanitary Board of Commissioners through the Sanitary District Capital Fund (44) the Highland Water Works Board of Directors through the Water Works Improvement Fund (66) and such other funds as may be identified;

Section 3. That, upon the approval of the Highland Board of Works, Highland Sanitary Board of Commissioners and the Highland Water Works Board of Directors, the Public Works Director is hereby authorized to issue a purchase order to Truck City of Gary, Inc. and to execute all documents necessary to implement the purchase thereof.

BE IT SO ORDERED

DULY, PASSED, ADOPTED, AND ORDERED by the Town Council of the Town of Highland, Lake County, Indiana this 25-day of April, 2016 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

Duly Adopted and Resolved by the Board of Sanitary Commissioners of Highland, Lake County, Indiana, this 19th day of April, 2016. Having been passed by a vote of ___ in favor and ___ opposed.

THE SANITARY DISTRICT OF HIGHLAND
BY ITS BOARD OF COMMISSIONERS:

Greg Cieslak, President

Attest:

David Jones, Secretary

DULY ADOPTED AND RESOLVED +by the Board of Waterworks Directors of Highland, Lake County, Indiana, this 28th day of April, 2016. Having been passed by a vote of ___ in favor and ___ opposed.

THE WATERWORKS DISTRICT OF HIGHLAND
BY ITS BOARD OF DIRECTORS:

Keith Bruxvoort, President

Attest:

George Georgeff, Secretary

- Works Board Order No. 2016-15:** An Order of the Works Board *Clarifying* Provisions in Works Board Order No. 2016-11 Approving and Authorizing An agreement between Dewberry Architects, Incorporated of Elgin Illinois, and the Town of Highland.

Councilor Vassar moved the passage and adoption of Works Board Order No. 216-15. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2016-15

AN ORDER OF THE WORKS BOARD CLARIFYING PROVISIONS IN WORKS BOARD ORDER NO. 2016-11 APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN DEWBERRY ARCHITECTS, INCORPORATED OF ELGIN ILLINOIS, AND THE TOWN OF HIGHLAND.

Whereas, Dewberry Architects, Inc. , 25 South grove Avenue, Suite 500, Elgin, Illinois, 60120 has offered and presented an agreement to provide and **perform an investigation and review for new Town Hall site concepts and related professional** services in consideration for fees to be charged and billed hourly, according to the agreement, in an amount not to exceed fifteen thousand dollars (\$15,000) and for expenses up to five hundred dollars (\$500); and

Whereas, The Town of Highland, through its Town Council did pass and adopt Works Board Order 2016-11 to approve and accept the agreement for services as herein described at its meeting of March 28, 2016;

Whereas, The Town Clerk-Treasurer recommended adopting an additional works board order to clarify terms of the agreement for which the first enabling works board order was silent;

Now Therefore Be it Ordered by the Town Council, acting as the Works Board of the Town of Highland, Lake County, Indiana:

Section 1. That the agreement proposed by Dewberry Architects, Inc., 25 South grove Avenue, Suite 500, Elgin, Illinois, 60120 to provide and **perform an investigation and review for new Town Hall site concepts and related professional** services, (incorporated by reference and made a

part of Works Board Order 2016-11 passed adopted on March 28, 2016) between Dewberry Architects, Incorporated and the Town of Highland, is hereby affirmed to be approved, and adopted in each and every respect;

Section 2. That it is hereby affirmed that there have been identified sufficient and available appropriations in the **Office of the Town Council, Corporation General Fund**, to support the payments under the agreement, pursuant to IC 5-22-17-3(e);

Section 3. That the terms and charges under the agreement in the not to exceed amount of fifteen thousand, dollars (\$15,000) and expenses up to five hundred dollars (\$500) as set forth in the agreement are found to be reasonable and fair;

Section 4. That all other provisions as set forth in Works Board Order No. 2016-11 are hereby affirmed and its terms of adoption now clarified.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 25th day of April 2016 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

6. Works Board Order No. 2016-16: An Order of the Works Board Accepting Certain Bids for Road Materials, Supplies, and Services for the Year 2016.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2016-17. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works No. 2016-16**

An Order of the Works Board Accepting Certain Bids for Road Materials, Supplies, and Services for the Year 2016

Whereas, The Town Council, as the Board of Works of the municipality, has deemed it necessary to solicit bids for road materials, supplies, and services (work) in order to construct, repair, and maintain public ways throughout the Town; and

Whereas, The Town Council, pursuant to §3.05.030(A)(1)(a) of the HMC, serves as purchasing agency for the Public Works Department; and

Whereas, The purchase price exceeds \$15,000.00 and pursuant to §3.05.040 (C) of the HMC requires the express approval of the purchasing agency; and

Whereas, The Public Works Director, pursuant to § 3.05.050(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department;

Whereas, The Purchasing Agent, pursuant to §3.05.060(H) of the HMC, expected that the purchase, aggregate, would be more than \$150,000 and invited bids in accordance with Section §3.05.060(H) of the HMC; and

Whereas, The Public Works Director has prepared bid specifications for the work anticipated for the year 2016 and the work was bid in accordance with §3.05.060(H) of the HMC; and

Whereas, Bids, memorialized in the tabulation attached hereto as **Exhibit WBO 2016-14-01** and made a part of this Order, were received at 10:00 a.m. on April 11, 2016;

Whereas, The Public Works Director has reviewed the bids and recommends that *Burrink Commercial Services, Inc.* be awarded the bid for all classes of concrete work based on being the lowest responsive and responsible bids,

Now, Therefore, Be it Ordered, by the Town Council of Highland, Indiana, acting as the Works Board that:

Section 1. The bid for concrete from **Burrink Commercial Services**, be accepted as the lowest responsive and responsible bid for the following materials, supplies and services as follows:

Concrete – Highback Curb (< 100 LF)	\$22.70 per LF
Concrete – Highback Curb (> 100 LF)	\$22.70 per LF
Concrete – Rollback Curb (< 100 LF)	\$19.70 per LF
Concrete – Rollback Curb (> 100 LF)	\$19.70 per LF
Concrete – 4” Sidewalk (< 500 SF)	\$4.99 per SF
Concrete – 4” Sidewalk (> 500 SF)	\$4.99 per SF
Concrete – 6” Driveway	\$5.49 per SF

Section 2. The Public Works Director is hereby authorized to execute agreements and all documents necessary to implement the purposes and objects of this works board order.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 25th day of April 2016 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL acting as the WORKS BOARD
of the TOWN of HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT WBO 2016-14-01

Description	Burrk Commercial Services, Inc.	COEX, Inc.	Hook's Concrete & Construction Co., Inc.	Rex Construction Co., Inc.	Ganup Construction Co., Inc.	Ryan Construction, Inc.	Reth Riley Construction Co., Inc.
Highback Curb (< 100 LF)	\$ 22.70	\$ 22.00	\$ 27.25	\$ 25.00	\$ 38.00	\$ 40.00	\$ 75.00
	\$ 2,270.00	\$ 2,200.00	\$ 2,725.00	\$ 2,500.00	\$ 3,800.00	\$ 4,000.00	\$ 7,500.00
Highback Curb (> 100 LF)	\$ 22.70	\$ 22.00	\$ 26.00	\$ 25.00	\$ 32.00	\$ 38.00	\$ 48.00
	\$ 2,270.00	\$ 2,200.00	\$ 2,600.00	\$ 2,500.00	\$ 3,200.00	\$ 3,800.00	\$ 4,800.00
Rollback Curb (< 100 LF)	\$ 19.70	\$ 21.00	\$ 23.75	\$ 25.00	\$ 39.00	\$ 40.00	\$ 54.00
	\$ 19,700.00	\$ 21,000.00	\$ 23,750.00	\$ 25,000.00	\$ 39,000.00	\$ 40,000.00	\$ 54,000.00
Rollback Curb (> 100 LF)	\$ 19.70	\$ 21.00	\$ 22.80	\$ 22.00	\$ 33.00	\$ 38.00	\$ 42.00
	\$ 19,700.00	\$ 21,000.00	\$ 22,800.00	\$ 22,000.00	\$ 33,000.00	\$ 38,000.00	\$ 42,000.00
4" Sidewalk (< 500 SF)	\$ 4.99	\$ 5.00	\$ 6.15	\$ 7.00	\$ 10.00	\$ 12.00	\$ 13.50
	\$ 2,495.00	\$ 2,500.00	\$ 3,075.00	\$ 3,500.00	\$ 5,000.00	\$ 6,000.00	\$ 6,750.00
4" Sidewalk (> 500 SF)	\$ 4.99	\$ 5.00	\$ 4.50	\$ 5.00	\$ 8.00	\$ 10.00	\$ 8.90
	\$ 24,950.00	\$ 25,000.00	\$ 22,500.00	\$ 25,000.00	\$ 40,000.00	\$ 50,000.00	\$ 44,500.00
6" Driveway	\$ 5.49	\$ 5.75	\$ 5.90	\$ 6.00	\$ 10.00	\$ 14.00	\$ 13.25
	\$ 5,490.00	\$ 5,750.00	\$ 5,900.00	\$ 6,000.00	\$ 10,000.00	\$ 14,000.00	\$ 13,250.00
	\$ 76,875.00	\$ 79,650.00	\$ 83,350.00	\$ 86,500.00	\$ 134,000.00	\$ 155,800.00	\$ 172,800.00

7. **Construction Contract Award for 3400 Block Condit Street Reconstruction Project.** The Town Council previously approved Condit Street Reconstruction Project II and the establishment of a General Improvement District to finance the improvements. *Bids for the reconstruction project were received on April 8, 2016.*

(a) Verification of proof of publication. (TIMES 3.17.2016 & 3.28.2016) The Town Attorney verified that the proofs were in compliance with IC 5-3-1.

- (b) **Works Board Order No. 2016-17:** An Order Of The Works Board Accepting The Bid Of *Walsh & Kelly, Incorporated* For The 3400 Block Of Condit Street Reconstruction Project Being The Lowest Responsive And Responsible Bid In The Amount of Four Hundred Thirty-Four Thousand Seven Hundred Eighty-Eight Dollars And 7/100 Cents (\$434,788.07).

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2016-17. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2016-17

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF WALSH & KELLY, INCORPORATED FOR THE 3400 BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF FOUR HUNDRED THIRTY-FOUR THOUSAND SEVEN HUNDRED EIGHTY-EIGHT DOLLARS AND 7/100 CENTS (\$434,788.07)

Whereas, The Town Council for the Town of Highland determined that a need exists to improve the 3400 blocks of Condit Street;

Whereas, Garcia Consulting Engineers had prepared plans and specifications for the 3400 blocks of Condit Street and the project was bid in accordance with I.C. 36-1-12 et seq. and notice was published in accordance with I.C. 5-3-1;

Whereas, The following bids were received at 10:00 a.m., on Friday, April 8, 2016:

	Bidder	Base Bid
1.	Rex Construction Co., Inc.	\$472,596.30
1.		0
2.	Gough, Inc.	\$452,449.28
3.	Walsh & Kelly, Inc.	\$434,788.07
4.	Rieth-Riley Construction, Inc..	\$494,228.77
5.	Gatlin Plumbing and Heating, Inc.	\$488,888.00
6.	Austgen Equipment, Inc.	\$503,052.50
7.	Grimmer Construction, Inc.	\$526,759.45

Whereas, Garcia Consulting Engineers and the Director of Public Works have reviewed the bids and determined that the bid of Walsh & Kelly, Incorporated in the amount of Four Hundred Thirty-four Thousand Seven Hundred Eighty-eight Dollars and 7/100 Cents (\$434,788.07) to be the lowest responsive and responsible bid;

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council, acting as the works board, now desires to accept the recommendation of the Public Works Director and award a construction contract to Walsh & Kelly, Incorporated for the 3400 block of Condit Street Reconstruction Project,

Now, Therefore, Be It hereby Ordered by the Town Council acting as the Works Board of Highland, Indiana as follows:

Section 1. That the bid of *Walsh & Kelly, Incorporated* for the 3400 block of Condit Street Reconstruction Project in the amount of Four Hundred Thirty-four Thousand Seven Hundred Eighty-eight Dollars and 7/100 Cents (\$434,788.07) is hereby accepted as the lowest responsive and responsible bid;

Section 2. That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

Be it So Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 25th day of April 2016 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL acting as the WORKS BOARD
of the TOWN of HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Works Board Order No. 2016-18:** A Preliminary Order Adopting And Approving Municipal General Improvement Fund Special Assessment Rolls For Property Owners Benefiting From The 3400 Block Of Condit Street Reconstruction Project. (*A hearing on the assessments will take place at the May 9, 2016 meeting of adopted.*)

Councilor Vassar moved the passage and adoption of Works Board Order No. 2016-18. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
ORDER OF THE WORK BOARD NO. 2016-18

A PRELIMINARY ORDER ADOPTING AND APPROVING MUNICIPAL GENERAL IMPROVEMENT
FUND SPECIAL ASSESSMENT ROLLS FOR PROPERTY OWNERS BENEFITING FROM THE 3400
BLOCK OF CONDIT STREET RECONSTRUCTION PROJECT

WHEREAS, Pursuant to Ind. Code 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

WHEREAS, Pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

WHEREAS, Pursuant to Order of the Works No. 2016-10, the Town Council confirmed Order No. 2016-12 and determined that the benefits to accrue to the property liable to be assessed for reconstruction of curbs and sidewalks in the 3400 block of Condit Street (the "Improvements") will be in excess of the maximum estimated cost of the Improvements; and

WHEREAS, An assessment roll for the Improvements, including the name and owner of each parcel of property abutting on and adjacent to such Improvement, a description of each parcel of such property, and the total assessment against each parcel of property, copies of which are attached hereto as Exhibit A (each, an "Assessment Roll"), has been prepared and filed with this Town Council,

NOW, THEREFORE, be it hereby ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the works board of the municipality, as follows:

Section 1. That the Town Council hereby adopts and approves the Assessment Roll for the Improvements to the 3400 block of Condit Street;

Section 2. That the Town Council hereby determines to hold a public hearing regarding the Assessment Roll for the Improvements and to receive and hear remonstrances against the amounts assessed on the Assessment Roll and determine whether the lots or tracts of land have been or will be benefited by the Improvements in (a) the amount set forth on the Assessment Roll, (b) such greater or lesser amount, or (c) any amount at all, which public hearing will be held at the regular meeting place of the Town Council at 7:00 p.m. on **May 9, 2016**, and the Town Council further directs the Clerk-Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the Improvements.

Be it So Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 25th day of April 2016 having passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL acting as the WORKS BOARD
of the TOWN of HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

The proposed assessment rolls are on file.

9. **Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1578 the Wage and Salary Ordinance, as amended.**

Building Commissioner wishes to appoint a person to the position of Assistant Inspector for Ordinance Enforcement (See Section 5.20.060(A) in HMC as amended) in order to allow training period with current officer, who is anticipated to be leaving service with the Town. The authorized pay range for the position is \$10.45 to \$25.65 per hour. The Building Commissioner seeks to appoint, Mr. Paul Buckman at the starting pay of \$16.05 per hour.

Councilor Herak moved to approve payment at higher than the starting pay fixed in the ordinance at \$16.05 for the new hire. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The higher rate for starting pay was approved.

10. **Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance. Assistant Public Works Director recommends the hiring of Jacob Klocek, to the full-time position of Utility Worker A in Public Works Department (Agency) at a rate of pay of \$15.33 per hour.**

Councilor Vassar moved to approve the appointment and hire of Jacob Klocek to the full-time position of Utility Worker A in the Public Works Department as indicated. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Mr. Klocek's appointment and hire was approved.

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak had no comments.

- **Councilor Dan Vassar:** *• Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who reported on park programs and the success of the Park Pride Day, recently conducted.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner noted expressed his pleasure at being back for Council business.

- **Councilor Konnie Kuiper:** *• Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported that the Rescue Truck recently purchased was in service and recently deployed. He further reported that the older vehicle was recently picked up pursuant to the trade-in as approved by the Council.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison*
• *IT Liaison* • *Redevelopment Commission Liaison.*

The Town Council President acknowledged the Redevelopment Director, who reported on the upcoming dates of the Main Street Bureau Board and the Redevelopment Commission.

The Town Council President acknowledged the Building Commissioner who offered a brief survey of matters pending before the Advisory Board of Zoning Appeals.

Comments from Visitors or Residents:

1. Eric Sprenne, 3118 Wirth Road, Highland, noting his participation in the NWI Paddling Association, invited all including the Town Council to participate in the May 21 canoe trip on the west branch of the Little Calumet River. Mr. Sprenne encouraged Councilor Kuiper to participate in particular.
2. Sue Murovic, 9214 Grace Street, Highland, inquired about the wooden access ramp that had been constructed to accommodate the changed pedestrian entrance to the Town Hall during the Police Station construction. She asked if it was to remain or whether it was to be removed.
3. Theresa Pecsek, 9428 O'Day Drive, Highland, referencing a recent letter that she indicated that she sent to Councilor Kuiper, she referred to a consumer complaint she asserted regarding work performed by Hixon Home Improvement. She also alleged that somehow Assistant Chief Vassar had intervened in some fashion without her consent.

With leave from the Town Council, the Town Council President instructed the Building Commissioner to follow-up with Ms. Pecsek regarding her concerns with her contractor.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 12, 2016 through April 25, 2016 and the payroll dockets for April 1 and April 15, 2016. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$255,737.50; Motor Vehicle Highway and Street (MVH) Fund, \$23,586.51; Federal Forfeited and Seized Assets Fund, \$7,989.35; Law Enforcement Continuing Education, Training, and Supply Fund, \$2,177.97; Information and Communications Technology Fund, \$7,327.67; Civil Donation Fund, \$8,100.00; Municipal Cumulative Capital Development Fund, \$12,053.25; Traffic Violations and Law Enforcement Agency Fund, \$2,906.50; Gaming Revenue Sharing Fund, \$17,500.00; Total: \$337,378.75

Payroll Docket for payday of April 1, 2016:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,493.28; Building and Inspection Department, \$7,181.80; Metropolitan Police Department, \$107,950.74; Fire Department, \$3,559.46; Public Works Department (Agency),

\$62,903.10 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$197,088.38.

Payroll Docket for payday of April 15, 2016:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$15,397.31; Building and Inspection Department, \$7,423.95; Metropolitan Police Department, \$119,311.41; Fire Department, \$3,431.56; Public Works Department (Agency), \$62,981.07 and 1925 Police Pension Plan Pension Fund, \$0.00; Total Payroll: \$208,281.85.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, April 25, 2016 was adjourned at 7:39 O'clock p.m. There was no study session following this meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer